Remarks

This Amendment is being filed in response to the Office Action mailed October 27, 2003. Claims 1-14 are pending. Claims 1-4, 7-10, 13 and 14 have been amended.

In the Office Action, claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. (U.S. Patent No. 6,108,638) in view of Mochizuki (U.S. Patent No. 6,463,539). Applicant has amended independent claims 1, 4, 7, 10, 13 and 14 and, with respect to such claims and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 1, 4, 7, 10, 13 and 14 have each been amended to more clearly define applicant's invention and to better distinguish the present invention from the cited references. Claims 1 and 4, each directed to a charge calculation apparatus, claims 7 and 10, each directed to a charge calculation method, and claims 13 and 14, each directed to a computer-readable storage medium, all recite, in one form or another, calculating a charge for using a device and calculating a charge for using application software. Claims 1, 7 and 13 additionally recite that the device is an external device, that the application software creates data to be processed by the external device, and that the external device processes the data created by the application software. Claims 4, 10 and 14 additionally recite that the device is used for inputting or outputting data and that the application software is to use the device.

According to the applicant's invention, charges are calculated not only for use of the device, but also for use of the application software, which is calculated independently of the charge for the use of the device. For example, as shown in Fig. 3, charge amount for use of a printer is calculated at step S306, while charge amount for use of software is separately calculated at step S309. Similarly, as shown in Fig. 5, software is used at step S506 in order

to subsequently use the device in steps S507-S513. The charge amount for use of the device is calculated at S513, and charge amount for use of the software is separately calculated at step S515. Such a construction is not taught or suggested by the cited art of record.

Sato et al. teach a data processing system and method having a plurality of input units (1a, 1b, 1c) which register selected products and which are connected to a processing unit (2A) for calculating a total price for the selected products for each input unit. Particularly, processing unit 2A receives barcode information from the input units, identifies the corresponding input unit, and reads the corresponding PLU data of the product in accordance with the corresponding barcode data. The processor sends the read PLU data to the input unit, which then displays the price and cost information on a CRT and stores the PLU data in transaction data memory.

In summary, therefore, Sato et al. teach calculation of the total price of products that a user bought, based on barcode information read by a plurality of input units. There is, therefore, no teaching or suggestion in Sato et al. of calculating a charge for the use of software. Moreover, while Sato et al. read inputted barcode information and process this information in the processor using PLU's to calculate product prices, there is no calculation of a charge related to the input units or the processing. Additionally, even if a product is application software, Sato, et al.'s calculation of the price of the software is not a calculation of a charge for use of the software.

The Examiner's statement that Sato et al. disclose "first calculation means for calculating a charge for using application software" (emphasis added) is thus not supported by the Sato et al. The Examiner has further acknowledged that Sato et al. do not teach or suggest calculating a charge for use of an input/output device. Accordingly, Sato et al. fail to teach or

suggest the features of first calculating a charge for using application software which creates data to be processed by an external device and second calculating a charge for using the external device which processes the data created by the application software, as recited in applicant's amended independent claims 1, 7 and 13, and first calculating a charge for using a device for inputting or outputting data and second calculating a charge for using application software to use the device, as recited in applicant's amended independent claims 4, 10 and 14 claims. Such claims, and their respective dependent claims, thus patentably distinguish over Sato et al.

The Examiner has further cited Mochizuki and has attempted to combine the teachings of Mochizuki with Sato et al. to arrive at applicant's invention. Mochizuki discloses a "super distribution system" in which a managing system is provided for reproducing information and in which a disk (e.g., a DVD on which software information is recorded) and an IC card are inserted into a reproduction apparatus. The apparatus reproduces the software information recorded on the disk and detects software utilization information, including charging information calculated from a degree of software utilization. The software utilization information is written on the IC card, and a utilization fee is charged to the user based on the information written in the IC card.

Mochizuki thus discloses a system that is markedly different from the system of Sato, et al. As discussed above, in the Sato et al. system price information is looked up based on barcode information and then a total charge is calculated based on the price information. In contrast, the Mochizuki system charges a consumer based on utilization of software information, so that the consumer does not get charged a set price per DVD. In Mochizuki,

the reproduction of software information may be interrupted by a user so that the user is not charged for software information he does not use.

The Examiner argues that it would have been obvious to modify the data processing of Sato et al. as taught by Mochizuki, because "this would interrupt information that is not charged to the user." However, as stated above with respect to the Sato et al., the charge calculations in Sato et al. are for product price and are not for using software or for using a device. Thus, in Sato et al. the user is not being charge for the use of anything and need not be protected against being charged during any interruptions in the Sato et al. system. Accordingly, the skilled artisan would not be motivated to modify Sato et al. in view of Mochizuki in the manner suggested by the Examiner.

Moreover, even if Sato et al. could be viewed in light of Mochizuki, this would still not result in applicant's claimed invention. That is, Mochizuki merely discloses calculation of a charge for using software. Mochizuki, however, fails to teach or suggest calculation of a charge for using the reproduction apparatus, which reproduces software recorded in the disk, or calculation of a charge for using the IC card to write the software utilization information. Sato et al. likewise fail to teach or suggest calculation of a charge for use of a device. Any combination of Sato et al. and Mochizuki would thus not result in a device which calculates a charge for using application software and calculates a charge for using a device.

Applicant's amended claims 1, 7, and 13, and their respective dependent claims, in reciting first calculating a charge for using application software which creates data to be processed by an external device and second calculating a charge for using the external device which processes the data created by the application software, and applicant's amended claims 4, 10 and 14, and their respective dependent claims, in reciting first calculating a charge for

using a device for inputting or outputting data and second calculating a charge for using application software to use the device, thus patentably distinguish over Sato et al. and Mochizuki .

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: January 27, 2004

Respectfully submitted,

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